

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

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|--------------------------|---|---------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CASE NO. 1:19-CR-13 |
| |) | |
| MICHAEL MAXEY |) | |

MOTION TO CONTINUE
FINAL PRETRIAL CONFERENCE AND JURY TRIAL

COMES NOW the Defendant, Michael Maxey, by Counsel, Robert W. Gevers, II, and respectfully requests the Court to reset the jury trial, the final pretrial conference, and the pretrial motions/plea agreement deadline in this matter. In support of this request, Counsel states as follows:

1. Trial in this matter is currently set for May 11 - 17, 2021;
2. Final pretrial conference in this matter is scheduled for April 27, 2021, at 2:00 p.m.;
3. The pretrial motions and plea agreement deadline is scheduled for April 20, 2021;
4. On April 8, 2021, Counsel for the Defendant and Counsel for the Government discussed additional discovery materials that were now available as related to the alleged conspiracy in this matter and to the alleged Co-Defendants;
5. Such discovery material is voluminous and contains documentary evidence as well as recordings among alleged co-conspirators;
6. The Defendant has requested certain specific documentation which the Defendant presumes may be in the voluminous discovery;

7. Due to the ongoing regulations at the Allen County Jail (where the Defendant is currently detained) under the Covid-19 pandemic, Counsel for the Defendant is not allowed to have person-to-person meetings with the client;

8. Jail conferences must be held either by video teleconference or in meeting rooms over monitored and recorded 'telephone' communication devices with plexiglass between the client and the attorney, so that communication is difficult and non-confidential and the setting is not adequate to effectively and adequately review audio/video recordings which the Defendant may wish to review himself;

9. Due to the current backlog of State and Federal cases and the trial calendars in State and Federal Courts, Counsel needs the extended time to ensure the voluminous materials are provided to the Defendant for his full review;

10. Counsel for the United States, Assistant United States Attorney Anthony Geller, does not object to this continuance;

11. The Defendant, Michael Maxey, has been informed of this motion and has no objection to the Court granting a continuance;

12. The ends of justice served by granting such a continuance outweigh the public and the Defendant's interest in a speedy trial, particularly where the failure to grant such a continuance would unreasonably deny the Defendant and counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The period of delay resulting from this continuance is to be excluded under the terms of the Speedy Trial Act and under 18 U.S.C. § 316, (h) (7) (A) and (h) (7) (B) (iv).

For all of the foregoing reasons, Mr. Maxey respectfully requests that the jury trial, the final pretrial conference, and the pretrial motions and plea agreement deadline in this matter be reset for a period of at least one hundred twenty (120) days.

Respectfully Submitted

/S/ Robert W. Gevers, II
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Motion to Continue Final Pretrial Conference and Jury Trial was served by electronic mail on this 16th day of April, 2021, to:

Anthony Geller
Asst. United States Attorney
United States District Court
anthony.geller@usdoj.gov

/s/ Robert W. Gevers, II
Robert W. Gevers, II